

# Forgetting or denying transitional justice in Mozambique: an analysis of the Mueda and Wiriamu genocides<sup>1</sup>

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**ABSTRACT:** This article analyses the lack of transitional justice in relation to the genocides that took place in Mozambique as part of the national liberation struggle against Portuguese imperialism, where several genocides were recorded, especially the Mueda massacre and the Wiriamu massacre, the most emblematic and tragic. Within this framework, the article explores the issues that have prevented full accountability for the crimes against humanity perpetrated in Mozambique and, at the same time, seeks to understand the extent of the compulsory forgetting imposed on the victims' relatives who are clamouring for justice for their relatives.

**KEYWORDS:** transitional justice, accountability, forgetting, Mueda and Wiriamu massacre.

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## ESPAÑOL

**TÍTULO:** Olvido o negación de la justicia transicional en Mozambique: análisis de los genocidios de Mueda y Wiriamu

**RESUMEN:** Este artículo analiza la falta de justicia transicional en relación con los genocidios que tuvieron lugar en Mozambique en el marco de la lucha de liberación nacional contra el imperialismo portugués, donde se registraron varios genocidios, especialmente la masacre de Mueda y la masacre de Wiriamu, las más emblemáticas y trágicas. En este contexto, el artículo explora las cuestiones que han impedido la plena rendición de cuentas por los crímenes contra la humanidad perpetrados en Mozambique y, al mismo tiempo, trata de comprender el alcance del olvido obligatorio impuesto a los familiares de las víctimas que claman justicia para sus parientes.

**PALABRAS CLAVE:** justicia transicional, rendición de cuentas, olvido, masacre de Mueda y Wiriamu.

## SUMMARY

1 Introduction – 2 Between the example of South Africa and the Republic of Mozambique in the field of transitional justice – 3 Mozambican context – 4 Why the attempt to erase these truths and memories in the Mozambican context – 5 Compulsory forgetting of genocides and other human rights violations: a hand of the Mozambican government – 6 Amnesty without the victim's consent – 7 Silence as a mechanism for erasing memory – 8 Lack of accountability and inability to switch off the traumatic future – 9 Future possibilities possible redress 10 – Conclusion.

## 1 INTRODUCTION

The slave trade, slavery, genocide, forced labour, the rape of black women, the apartheid policy and the exploitation of material resources are memories that resonate in the blood of every Mozambican, who were victims of European imperialism, especially Portuguese imperialism, which, through a supposed racial hierarchy, subjugated and violated the rights and dignity of many Mozambicans, and which to date have not been duly repaired in their entirety, whether from a legal, economic, political, social or psychological point of view.

Of these violent categories, it must be emphasised that Mozambique had numerous cases of genocide or massacre during the armed struggle against Portuguese colonialism, but the most notable are the genocide or massacre of Mueda and Wiriamu, where civilians, children, women and the elderly were killed resisting Portuguese domination.

The Mueda massacre took place on 16 July 1960. An undetermined number of civilians were killed during an administrative meeting between the Portuguese authorities and the Mozambique African National Union (MANU), which was resisting colonial rule. Moreover, the possible cause of this genocide was a demonstration of power by the Portuguese authorities towards Mozambican citizens.

Moreover, the second genocide took place in 1972, in the province of Tete, during the national liberation struggle between the Portuguese state and (FRELIMO), the Mozambique Liberation Front. Civilians were also killed, decimating four villages, many of which were charred to death by grenades thrown by the Portuguese military. Moreover, there are reports of the rape of some women before this massacre.

With regard to the last murder, the Portuguese government only made a mere apology in 2022, in other words, 50 years later. Moreover, this attitude of non-recognition demonstrates a lack of public repentance on the part of Portuguese institutions. These are crimes against humanity that have been completely trivialised by the Portuguese authorities.

Within this framework, the aim of this article is to understand why there has been a lack of transitional justice in Mozambique against the Portuguese authorities and state, which committed various crimes against humanity that had been prohibited since the Second World War. And, with this, to assess whether there has been a form of full accountability, whether in the criminal, economic, political and social spheres. Therefore, the research will be conducted by means of a bibliographical review, comprising books, official documents and reports on the subject to be discussed and in the light of a critical approach.

## **2 BETWEEN THE EXAMPLE OF SOUTH AFRICA AND THE REPUBLIC OF MOZAMBIQUE IN THE FIELD OF TRANSITIONAL JUSTICE**

There are few records of transitional justice in Mozambique, unlike South Africa, which has been precise and effective in the context of transitional justice. Furthermore, it is important to note that South Africa was one of the Dutch and then British colonies, characterised as an indirect colonial administration, which spread over long periods, marked by slavery, apartheid, human rights violations, genocide and other evils that befell the black population, since the arrival of the Europeans in 1487. After long periods of oppression, South Africa achieved its independence in 1961, culminating in the end of Apartheid in 1994 (Pinto, 2007, p. 5).

In 1995, South Africa established the Truth and Reconciliation Commission. The Commission was headed by Archbishop Desmond Tutu. The hearings began in 1996 and the five-volume report was published in October 1998. More than 23,000 victims and witnesses were heard, more than 2,000 of them in public hearings (Pinto, 2007). This process was important for the consolidation of the democratic environment in the country and a paradigm shift in the containment of crimes against humanity.

Transitional justice has been an important milestone and an efficient mechanism for dealing with the memory and problems of the racist and violent past, which has been institutionalised since 1948 in

South Africa through various laws that separated whites from blacks in the enjoyment of rights and in the form of institutional and social treatment. These laws include the following: The Land Act of 1913 prevented blacks from owning more than 13 per cent of the country's total area, a percentage referring to the bantustans (Pinto, 2007).

In addition, there were numerous other laws that institutionalised the regime of separation between whites and blacks, such as::

- (a) Ban on marriages between whites and blacks –1949;
- (b) Mandatory declaration of colour registration for all South Africans (white, black or mixed race) – 1950;
- (c) Ban on black people in certain areas of cities – 1950s;
- (d) Determination and creation of bantustans (black-only neighbourhoods) – 1951;
- (e) Ban on blacks using certain public facilities (drinking fountains, public toilets) -1953;
- (f) Creation of a differentiated education system for children in the Bantustans – 1953;
- (g) Immigration Act of 1970 – restricted the entry of blacks into South Africa and facilitated the deportation of illegal immigrants.
- (h) Furthermore, there was also the Group Areas Act of 1950, which established the spatial separation of racial

categories, obliging people to settle in specific areas (Pinto, 2007).

### **3 MOZAMBIBICAN CONTEXT**

The Portuguese arrived in Mozambique in 1498, and the colonial administration was installed three years later. This was the beginning of a period of exploitation, enslavement and other forms of violence against the local people. At first, European colonial penetration was aimed solely at the exploitation of material resources and trade, later turning into the slave trade regime and the systematic and bloody violation of human rights.

Unlike South Africa, where apartheid was institutionalised by political and legal instruments, it should be noted that in Mozambique there were also a few laws that institutionalised violent forms of oppression and racial discrimination. However, it should be stressed that from a practical point of view, apartheid was always present in most of the colonies, including Mozambique, where it was based on white racial superiority over black people. The form of social discrimination was similar, because in Mozambique there was a separation of public places between whites and blacks, although this was not formally institutionalised. There were also differences in equal access to formal education, work, etc.

It should also be noted that a system of forced labour called *xibalo* was institutionalised in Mozambique, which was one of the forms of labour officially implemented from 1930 onwards, after Salazar's ascension as Minister of Finance in 1926, which gave way to the installation of the *Estado Novo* in Portugal. It was a totally oppressive system against the human dignity of the native people, also considered indigenous (Thomaz, 2012, p. 8). In this labour model, the dignity of the native worker was not respected, nor was the time and hours of work, which certainly revealed the structure of structural racism against the native black population.

In addition to these institutional forms of oppression, Mozambique has also witnessed various forms of genocide and other crimes against humanity, carried out by the Portuguese government as part of the national liberation struggle.

After independence, many of these extremely serious crimes were not properly judged and were thus institutionally forgotten by the ruling Mozambican elites and not by the majority will of the people. Therefore, the administrators of the overseas provinces, of which Mozambique was a part, were not held accountable.

One of the most emblematic cases was in Mueda, known as the Mueda genocide or massacre, which took place on 16 July 1960, when an undetermined number of people protesting against the colonial regime killed. On that day, there was an administrative meeting between representatives of the Mueda district, in the north of

Mozambican territory. At the end of the event, the colonial authorities shot dead several Mozambicans, a number that is still unaccounted for. The meeting in question was allegedly demanded by MANU, the main organisation pushing for the district's independence and separation from Mozambique (Nogueira, 2019).

MANU, one of the national liberation movements at the time, explained that there was no clear and explicit reason for the massacre that took place on that fateful day. It is believed that it was a demonstration of power among the Portuguese authorities, who would do anything to stop the pro-independence movement among the Mozambicans of Mueda (Nogueira, 2019).

However, these violations were not seriously investigated by the Mozambican government or the Portuguese government. It is assumed that there was no criminal accountability or any other type of reparation demanded in the framework of transitional justice. After independence in 1975, these crimes were not tried on a transitional basis.

The other savage genocide was the massacre that took place in Wiriamu, a region crossed by the Zambezi River, which at the time was referred to by Catholic missionaries as “God's forgotten land” (Almeida, 2022). On 16 December 1972, one of the most barbaric events unleashed by the Portuguese slave government took place, known as the “Wiriamu Massacre”. An operation, codenamed “Marosca”, involving commandos and PIDE/DGS agents, took place

in the Tete area of northern Mozambique, targeting five villages: Wiriamu, Juwau, Djemusse, Riacho and Chaworha. After bombs were dropped on the village of Wiriamu, the military commandos went into action and barbarism ensued. The killing extended to these four villages along the Zambezi River in a variety of inhumane ways. Hundreds of people were slaughtered, including women and children. Many of them were locked inside the cubicles where they were charred to death by incendiary grenades, while others were simply shot.

In Felícia Cabrita's words, soldiers destroyed huts, infrastructures and villages, looted property, opened fire on people whose bodies were then placed, with some living ones in between, on funeral pyres to be consumed by the fire. 385 people are thought to have died, around a third of the 1,350 inhabitants of the five villages. The list of victims and the account of the events were compiled by Domingo Kansande and Father Domingos Ferrão, who passed on the information to Spanish and Dutch priests. The massacre was publicised by the English priest Adrian Hastings in the British newspaper "The Times" on 10 July 1973, days before Marcelo Caetano's visit to London. The case would also reach the United Nations Organisation.

Journalist Felícia (Cabrita, 2008) also reports that some of the soldiers who carried out the operation were still alive. One of the soldiers lived in the Algarve, named Gonçalo Fevereiro. Moreover, he

didn't collaborate enough in the interview conducted by the journalist, Felícia Cabrita, and didn't add any more details to uncover the truth of what had happened in Wiriamu. He only pointed to the information in the government's report on the operation, which was mostly false, pointing to a dozen deaths, and then she got in touch with Joaquim Pacheco, one of the men who also took part in the operation, and he told her about the children he killed and the women he killed in the village of Wiriamu, in Mozambique, without showing any regret. Within this framework, it must be emphasised that the soldiers who took part in this genocidal operation have not been held accountable by the Portuguese government. There was, so to speak, a trivialisation of the genocide by the Portuguese government itself.

The slaughter, the rape, the violence inflicted on defenceless people in this Miriamu massacre was characterised as a spectacle for the Portuguese military, who were nourished by happiness and military virility as they propagated all kinds of violence against individuals who were supposedly savages and devoid of soul and spirit, whose pain did not emotionally affect the commanders, ensigns and other soldiers involved in this theatricalisation of the suffering of savage black bodies, which for the Portuguese military were not bodies but objects stripped of a humanity that was far from corresponding to the same seeds as the aggressors (Dhada, 2015).

#### **4 WHY THE ATTEMPT TO ERASE THESE TRUTHS AND MEMORIES IN THE MOZAMBIQUE CONTEXT**

There is no doubt that the Mozambican national liberation movements waged a major struggle against the Portuguese colonial state. Conversely, there is a theory that Mozambique's independence in 1975 was in turn motivated by the Portuguese government's desire, which at the time was under pressure and reprisal from the international community, which is why Mozambique's independence was the result of agreements and negotiations between the Mozambican and Portuguese authorities, who had ventures and concessions in Mozambique in the post-independence period. Moreover, in this context, independence did not come solely from armed warfare, but from the sum of military pressure, the efforts of the international community and bilateral agreements between the political elites, which allowed Mozambique to remain to a certain extent politically and economically tied to the Portuguese state.

Moreover, in this regard, it is reasonable to emphasise that Mozambique has remained dependent on budgetary support from the Portuguese government, which to this day covers a considerable part of the Mozambican budget. This demonstrates the lack of decisionmaking autonomy on certain issues, especially in area of holding accountable the perpetrators of crimes against humanity that took place in that territory, which should have been tried transitionally

in the context of independence in 1975. Unlike South Africa, which was and is a country with economic potential and which allowed the British population to cohabit in that territory after its independence, and at the same time is exemplary in conducting transitional justice of a restorative nature. In the Mozambican context, however, it would be difficult for an economically weakened country to demand criminal justice or accountability for the atrocious acts against humanity that took place in Mozambique due to its economic and political dependence on the Portuguese state.

Conversely, the weakness of the social media in Mozambique's colonial era was evident, as many cases did not make it into the international press. Moreover, many denunciations were led by white European missionaries, who in turn were silenced by the government authorities of the colonial government, which is why other records of genocide and sexual violence against women were not properly denounced and publicised domestically and internationally.

## **5 COMPULSORY FORGETTING OF GENOCIDES AND OTHER HUMAN RIGHTS VIOLATIONS: A HAND OF THE MOZAMBIKAN GOVERNMENT**

After Mozambique's independence in 1975, it did not follow the example of South Africa; which began by holding a conference in February 1994, which aimed to discuss the nefarious past generated by Apartheid and find ways of reconciliation. Moreover, it is

extremely important to emphasise that the first discussions in South Africa were published in the dossier *Dealing with the past: truth and reconciliation in South Africa* (Pinto, 2007).

Within this framework, South Africa had to deal with the painful memories of the past and free itself from the traumas sown by apartheid, in which victims and human rights offenders were heard and reconciled, through restorative rather than punitive justice, led by Bishop Desmond Tutu. Moreover, the participation of the victims was important for the public forgetting of the barbarities implemented by the British colonial government. Moreover, in this way, there was a space for a redemocratisation of the country and the birth of a society reconciled between whites and blacks. Moreover, with this, a mechanism was established to avoid the same events in the future.

In the Mozambican context, which gained its independence in 1975, a new government led by the FRELIMO party, which led the armed struggle against Portuguese imperialism, did not deal fully with issues involving truth, justice, full accountability and possible reconciliation, which could generate voluntary public forgetfulness on the part of Mozambican citizens.

The post-colonial government made up of Mozambicans had various political and economic agreements with the Portuguese government, and these agreements favoured issues relating to the new transitional governance formula, which was still dependent on the Portuguese colonial government. From this perspective, one can

conjecture a lack of autonomy on the part of the post-colonial Mozambican government, which for long periods remained dependent on foreign policy, especially that of the Portuguese government.

It was against this backdrop that the Mozambican population, oppressed by various genocides and human rights violations, were not heard, let alone included in any process that would lead to a voluntary forgetting of the atrocities committed in Mozambique. There was a lack of a public truth and justice commission to wash away responsibility for the macabre acts that took place in Mozambique and, consequently, the voluntary collective institution of forgetting, but without erasing the memory of what happened (Dhada, 2015).

Moreover, this duty of accountability rests with the organs of the state, which have the role of investigating the discovery of the truth and the consequent accountability, and finally finding ways to deal with the past by listening to the victims or the families affected. With this in mind, we can see that the tacit oblivion that has been imposed on the Mozambican people is not capable of healing the past, much less reconciling the present. In our view, it seems like a compulsory attempt not to deal with the truth and memory of the past that has not been properly resolved, leaving indelible marks to this day.

Moreover, it should be noted right away that the Portuguese government ignored the genocide known as the "Wiriamu" massacre, and only in 2022, 50 years later, did the Portuguese government,

through Prime Minister António Costa, apologise for the Wiriamu. The massacre was revealed by the British press in 1973 and, for many years, ignored in Portugal (Dhada, 2015).

The aggressor's failure to recognise the crime has not opened the way to finding ways of reparation and accountability for these barbaric acts of human rights violations, which have been hidden for many years. Conversely, the responsibility of the victim state arises, in which case Mozambique must make efforts at home or internationally to clarify the truth and hold those responsible or the aggressor state, which committed the crimes against humanity, criminally accountable (Dhada, 2015).

The genocide or massacre of Wiriamu and Moeda are crimes against humanity, similar to the crimes judged by the Nuremberg Tribunal, established in Article 6 of the Statute, which are characterised as serious and inhumane crimes, such as torture, slavery, genocide, extermination of groups, etc. (Almeida, 2017).

The Nuremberg Statute defines crimes against humanity as follows:

Crimes against humanity: knowing, murder, extermination, slavery, deportation and other inhumane acts committed against the civilian population before or during the war, persecution for political, racial or religious reasons in the execution of those crimes that fall within the jurisdiction of the Court or related to them, whether or not

they constitute a violation of the internal legislation of the country where they were perpetrated.

## **6 AMNESTY WITHOUT THE VICTIM'S CONSENT**

It is extremely important to remember that the post-colonial Mozambican state adopted a communist-Marxist ideology and, on the other hand, President Samora Machel did not consider the issue of human rights, i.e. this was not the government's priority in dealing with justice and re-establishing human rights in the country, which was struggling with new economic formulations coming from the Marxist-Leninist model of the former Soviet Union (Kruks, 1987). Moreover, the same president was, in a way, an apologist for a policy that went against human rights, individual freedoms and was characterised by some critics as a dictatorial leader, in which he persecuted certain religious groups, creating re-education camps, shooting political enemies in public squares, and denying private advocacy (Kruks, 1987). He also implemented the system of dynamiting groups, which purged citizens who were critical of the regime, thus promoting arbitrary arrests, without forgetting the marching orders that prevented the free movement of people and goods and the lack of freedom of the press and expression, etc.

Bearing in mind that the transitional Mozambican government underwent negotiations and foreign aid from the coloniser to build the

new Mozambican state, both countries did not seek to fully resolve the crimes against humanity committed during the war of liberation, allowing for an environment of amnesty negotiated by the political elites, without the inclusion of the victims. This was the main public error of the Mozambican state, which co-operated with the Portuguese government, implementing a policy of silencing the victims of violent aggression, which led many Mozambicans to a demographic and human development crisis, at least for the village of Wiriamu, which was wiped off the Mozambican map as a community (Dhada, 2015). Furthermore, the Portuguese government's excuse for committing these crimes was that during this period there was a state of exception, in other words, the suspension of rights, which legitimised barbarism against the enemy.

## **7 SILENCE AS A MECHANISM FOR ERASING MEMORY**

The South African Truth and Reconciliation Commission succeeded in producing a functional amnesty, because it preferred to deal with the truth and memory of the past, trying to right the wrongs of the past, which in a way enabled collective forgiveness and maintained a sustainable peace, which in a way safeguarded against future risks, enabling an ecology and precaution against endless cyclical violence, as Bishop Dismund Tutu suggests when he proposes restorative justice through forgiveness, based on biblical principles

(Ost, 1999). This happened because the British government recognised the human rights violations and did not ignore or try to hide the history of violence that had taken place there.

Although the Mozambican context is different, where the crimes have been less denounced and media coverage at international level, it should be remembered that genocides or crimes against humanity are timeless from a normative point of view, and do not generate legal prescriptions until justice is restored. From a psychological and social point of view, they do not generate symbolic forgetfulness for the victims.

The history of genocide and massacres committed in Mozambique by the Portuguese state is covered up by the narrative of the state of exception and disproportionate war between the Portuguese government and FRELIMO and other movements that took part in the national liberation struggle. The idea that these crimes were part of the war is unfounded, as there were previous rules established in the framework of the Second World War, which prohibited the practice of crimes against humanity. However, in the two genocides that took place in Mozambique, civilians, children and defenceless women were killed, making these deaths prizes and speculum (Dhada, 2015).

## **8 LACK OF ACCOUNTABILITY AND INABILITY TO SWITCH OFF THE TRAUMATIC FUTURE**

The lack of criminal responsibility for inhumane acts is an example of the trivialisation of serious crimes, (Arendt, 2014) and a loophole for repeating the same acts in times of war or social conflict. Moreover, a denial of justice to the victims. Impunity is the enemy of healing for traumatised victims. Despite these social and psychological causes of impunity, it also has consequences that are sought after in the legal world, such as negative general prevention, retribution, awareness-raising effects so that inhumane crimes are not repeated, in other words, a call for civility and respect human or fundamental rights norms.

The right to past time is a right linked to memory in which it seeks to establish a balance between the past and the present (Ost, 1999), and to guarantee a promise of stable peace and legal, social and political security. From the point of view of the collective psyche, the right to past time guarantees psychological reconciliation with trauma, the possibility of forgiveness and lasting peaceful coexistence.

## **9 FUTURE POSSIBILITIES POSSIBLE REDRESS**

The damage caused by genocide, slavery, human trafficking, rape and other forms of violence is part of the memory of Mozambique and other African countries. However, the past must be

faced by present decisions, through minimum compensation measures, without neglecting the accountability of crimes of human rights violations in line with the will of the victims.

The Mozambican and Portuguese authorities should endeavour to create a specific commission to restore truth and justice.

The Portuguese government, as the main protagonists, has an immediate duty to improve further investigations, starting above all with the horrific massacre in Wiriamu, otherwise the existing evidence will be mortified, whether oral, documentary or material evidence, which will become scarce over time, which could make it even more difficult to reconstruct history or temporalise the facts, for a possible pacification of spirit and collective oblivion, without annihilating the bloody memory that has been built up (Ost, 1999).

As long as the problem is not resolved, the nostalgia of Mozambicans will regenerate with each generation, which will demand the crimes committed in the past, maximising the issue of distrust of the Portuguese state, which opts for silence and the trivialisation of the truth. Moreover, for this to happen, the intervention of the law is necessary to link time through memory, using the institute of retroactive justice for the victims currently present in Mueda and Wiriamu.

## 10 CONCLUSION

Mozambique, as a victim state, must step up its efforts to set up a Truth, Justice and Accountability Commission, in order to reconstruct the events that took place at the time of the armed struggle, inherent in the genocides that took place at that time. Moreover, this initiative is institutional and falls within the remit of the public authorities. Therefore, there is a need to link the present memory with the past, otherwise the main witnesses will be lost and it will be difficult to reconstruct an archaeology to discover the truth. Moreover, this lack of accountability places the victims in compulsory oblivion, which does not generate forgiveness, nor reconciliation, since they have not been heard.

Conversely, it is the responsibility of the Portuguese state to firstly recognise the atrocities and take responsibility for the damage caused by these crimes against humanity and not remain neutral as if nothing had happened.

War crimes are not subject to collective oblivion or legal prescriptions, without the traumas actually being dealt with. This implies that the Portuguese state should not adopt a policy of evading the truth, because time remains static in the collective memories of the victims. Moreover, the pain remains ingrained in the hearts of those who were hurt. Moreover, the formal legal prescription does not change the psychological state of the victims' collective feelings. In

this way, we can generate the possibility of forgiveness and reconciliation by demanding that those responsible for the crimes be brought before the victims, so that they can speak out and decide on the ways in which they colluded and overcome the pain they feel.

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